IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jessie Mullins,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:12cv255
vs.	:	
	:	Chief Judge Susan J. Dlott
Warden, Lebanon Correctional Institution,	:	
	:	
Respondent(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate

Judge Stephanie K. Bowman filed on July 30, 2013 (Doc. 15), to whom this case was referred

pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the

time for filing such objections under Fed. R. Civ. P. 72(b) expired September 30, 2013, hereby

ADOPTS said Report and Recommendation.

Accordingly, petitioner is not entitled to habeas corpus relief based on the grounds

alleged in the petition. Having found that petitioner's grounds for relief are without merit, the

petitioner's petition for a writ of habeas corpus (Doc 1.) is **DENIED** with prejudice.

A certificate of appealability will not issue with respect to the grounds for relief set forth

in the petition, which were addressed on the merits herein, because petitioner has not stated a

"viable claim of the denial of a constitutional right"or that the issues presented are "adequate to

deserve encouragement to proceed further." *See Slack v. McDaniel,* 529 U.S. 473, 475 (2000)

(*citing Barefoot v. Estelle,*463, U.S. 889, 893 & n. 4 (1983)); *see also* 28 U.S.C. § 2253 (c); Fed

R. App. 22(b).

With respect to any application by petitioner to proceed on appeal *in forma pauperis,*the

Court will certify pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting the

Report and Recommendation will not be taken in "good faith," therefore **DENYING** petitioner

leave to appeal *in forma pauperis* upon a showing of financial necessity. *See* Fed. R. App. P.

24(a); *Kincade v. Sparkman,* 117 F.3d 949, 952 (6th Cir. 1997).

        IT IS SO ORDERED.

        ___s/Susan J. Dlott_____
        Chief Judge Susan J. Dlott
        United States District Court